



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Friedrich **MUELLER et al.**

Serial No.**09/971,031**

Filed: October 5, 2001

Appeal No:

Examiner:
Confirmation No.
Art Unit:

Skypes, A.
3734
3762

EXTRACORPOREAL BLOOD TREATMENT SYSTEM

January 3, 2005

U.S. Patent and Trademark Office
2011 South Clark Place
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REPLY BRIEF

Sir:

Appellant herewith replies to the EXAMINER'S ANSWER pursuant to 37 CFR § 41.41

No fee is believed necessary for this Reply Brief, however, if this belief is in error, please charge any fee for this Reply Brief to the account of the undersigned, i.e., 50-1716. A duplicate copy is attached.

R e m a r k s

In accordance with the invention in issue, an ECT-station 10 has an ECB-unit 11, its own interface 16, an internal web server 13 and an internal browser 14. The ECB-station functions as a self-contained unit that can work without communicating with other external units or equipment. The ECB-station 10 does not constitute a “network,” but is a single unit or machine which can (but need not necessarily) be connected to a local area network (LAN) or even to the Internet. Thus, data communication between the user interface 16 and the ECB-unit 11, which are part of the ECB-station 10, is the internal browser 14 thereof which is also provided for external communication by the ECB-station 10 via, for example, a local area network (LAN 1).

The “Examiner maintains that such communication is both disclosed and suggested by Davis and Fletcher-Haynes, who use web browsers to control and transfer information between treatment systems and data management machines.” (EXAMINER’S ANSWER, sentence bridging pages 3 and 4).

Fletcher-Haynes discloses in Figure 1A a local network 146 comprising several ECB-units 10 and one server 148. Paragraph [0204] of Fletcher-Haynes describes the communication of the components that form the subsystem 146.

In accordance with the invention, each ECB-station 10 has its own server and its own user interface, wherein the communication between the user interface 15 and the ECB-unit 11 takes place through the internal browser 14. In other words, the ECB-station 10 is a self-contained machine. It does not consist of a network formed by several external components

which are connected through a local network, as in the Fletcher-Hayes patent. The concept of the Fletcher-Hayes disclosure is that of different components which communicate with each other through a local network 146 (Figure 1A) or 146B (Figure 1C) or 146C (Figure 1D).

Therefore, Appellants' entire ECB-station is a single machine or "unit" that may be connected into a network (e.g., LAN 1), or may also be connected to the Internet or to an Intranet. However, the ECB-station 10 does **not** form a network (though possibly connectable thereto).

It is not only absolutely unusual and unprovided for, but it is unobvious, that the internal components of the ECB-station/unit 10 communicate with each other through an internal browser 14 which is normally provided for communication with external web servers 20.

Lastly, through Fletcher-Hayes may use "the same language" for communication within a local network and the Internet or "between a computer/database system and various other computer systems," as the Examiner specifies at page 4, last paragraph thereof, the present invention uses "the same language" for communication **within** the same ECB-station/unit 10.

The invention thus described unobviously differs over the prior art and the differences are recited in independent claim 1 on appeal and the claims depending therefrom. More specifically, the undersigned will end this REPLY BRIEF by reiterating the statement made at page 10 of the BRIEF ON APPEAL:

Returning to claim 1 and the last limitation, all three elements recited therein are earlier recited in the claim and are structurally united by the specific language requiring 'data communication between the user interface and the ECB means is effected through the internal browser.'

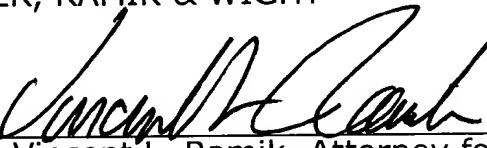
The latter-quoted limitation remains specifically unaddressed in the EXAMINER'S ANSWER.

The reversal of the rejection of record for the reasons presented in the BRIEF OF APPELLANTS and this REPLY BRIEF is once again respectfully requested.

Respectfully submitted,

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